



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

February 22, 2021

Maricel Nguyen, Owner
MEDTEK College Hayward
3524 Breakwater Ave, Suite E
Hayward, CA 94545

Date of Issuance	Citation Number	Institution Code
February 22, 2021	2021157	Unapproved

On February 4, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021157 (Citation) against Maricel Nguyen, Owner of MEDTEK College Hayward (Institution). In attendance were Yvette Johnson, Administrative Chief, Maricel Nguyen, Owner and Bernadette Abad, Staff Assistant.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021157.

It is the decision of the Administrative Chief that on February 17, 2021, Citation No. 2021157 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation:</p> <p>CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> <p>CEC Section 94868. To Offer to the Public</p>

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC Section 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On January 22, 2020, Bureau staff attempted to reach Institution staff by phone. The attempt was unsuccessful and Bureau staff left a voicemail. However, Bureau staff did not receive a response.

On June 12, 2020, Bureau staff reviewed the Institution’s website. The Bureau sent the Institution an email that was located at <http://www.medtekcollegehayward.com>. However, Bureau staff did not receive a response.

On July 9, 2020, Bureau staff attempted to reach Institution staff by phone and left a voicemail. Bureau staff did not receive a response.

On August 27, 2020, Bureau staff reviewed the Institution’s website and found advertisements for recruitment by the Institution for the Sterile Processing Technician Program. The website listed classes scheduled for weekends during the evenings in September 2020 and on the weekends during the day in November 2020. Furthermore, the website listed the following tuition costs for the Sterile Processing Technician Program:

- Reservation Fee - \$100.00
- Supplies Fee - \$400.00
- Program Tuition Fee - \$3,500.00

In addition, the website listed the following fees:

- Exam Certification Fee (to be eligible for externship) - \$125.00
- Drug Test and Background (Pre-requisite for externship) - \$150.00
- American Red Cross BLS CPR (Pre-requisite for externship) - \$75.00

The tuition cost for the Sterile Processing Technician Program as advertised on the Institution’s website totaled \$4,350.00.

On August 28, 2020, Bureau staff conducted an onsite investigation at the Institution. Bureau staff made contact with Institution staff and notified Institution staff that they have been operating as an unapproved private postsecondary institution by establishing a physical presence and actively advertising the Sterile Processing Technician Program to the public with tuition exceeding \$2,500.00. Institution staff confirmed this information to be true by providing documentation, student enrollment agreements, and student rosters with the amount of tuition each student paid.

In addition, based on documentation provided by Institution staff, Bureau staff was able to confirm that the Institution has been operating without Bureau approval since February 2013.

To date, the Institution does not have a current Approval to Operate a private postsecondary institution nor are they operating under the specification of the exemption under CEC section

94874(f).

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including <http://www.medtekcollegehayward.com>, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (510) 432-0366, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$25,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$25,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **February 22, 2021**. The order of abatement and payment are due by **March 20, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“2/22/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail